

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. 18-CR-2668-01-02-JCH**

**VICTOR ARCOS-TORNEZ and  
ALMA VAZQUEZ a.k.a. ALMA ARCOS,**

**Defendant.**

**UNOPPOSED MOTION TO CONTINUE THE JURY TRIAL SETTING,  
AND TO EXTEND THE MOTIONS DEADLINE**

COME NOW, the defendants, Victor Acros-Tornez, through his counsel, James R. Pratt and Benjamin C. Wilson, and Alma Vazquez a.k.a. Alma Arcos, through her counsel Kurt Kerns and Jason Alarid, and hereby respectfully request that the Court continue the jury trial setting, currently set for May 20, 2019, and extend the deadline for filing pre-trial motions for a period of approximately thirty (30) days. In support of this motion, the defendants submit the following:

1. On August 15, 2018, a grand jury returned an indictment, charging Mr. Arcos-Tornez with five (5) counts, and Ms. Vazquez with one (1) count. [Doc. 2]
2. Mr. Arcos-Tornez and Ms. Vazquez were arraigned on September 19, 2018. Mr. Arcos-Tornez is currently residing at La Posada Halfway House, while his wife Ms. Vazquez was allowed to return to her home in Kansas, under pre-trial supervision, to care for the couple's children.

3. Both Mr. Arcos-Tornez, and Ms. Vazquez have reached plea agreements with the government. Accordingly, this matter has been set for a plea hearing on May 30, 2019 at 10:00 a.m., before the Honorable Kirtan Khalsa.

4. The parties agree that the requested continuance will not give rise to a Speedy Trial Act violation. The additional time required by the continuance may properly be excluded under 18. U.S.C. § 3161(h)(7) on the ground that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. Failure to grant a continuance in this matter could result in a miscarriage of justice by causing the parties to conduct a trial in a case which may otherwise be resolved by a plea. In addition, failure to grant a continuance would “deny counsel for the defendant [and] the attorney for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

5. Counsel for the Government, AUSA Paul Mysliwiec, was contacted regarding the contents of this motion, and is not opposed.

WHEREFORE, and for the reasons stated above, Mr. Arcos-Tornez and Ms. Vazquez respectfully request that the Court continue the jury trial currently set for May 20, 2019, for a period of approximately thirty (30) days.

Respectfully Submitted,

*electronically signed*

James R. Pratt  
Attorney for Victor Arcos-Tornez  
445 N. Waco  
Wichita, KS 67202  
(316) 262-2600

*electronically signed*

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Benjamin C. Wilson  
Attorney for Victor Acros-Tornez  
1412 Lomas Blvd. NW  
Albuquerque, NM 87104  
(505) 765-5300

**/s/Kurt P. Kerns**

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Kurt P. Kerns #15028  
328 North Main Street  
Wichita, Kansas 67202  
(316) 265-5511  
E-mail: [kurtpkerns@aol.com](mailto:kurtpkerns@aol.com)  
Attorney for Alma Vazquez

*electronically signed*

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Jason Alarid  
Attorney for Alma Vazquez  
1412 6<sup>th</sup> Street NW  
Albuquerque, NM 87102  
(505) 247-9500

**I HEREBY CERTIFY** that on April 24, 2019, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected in The Notice of Electronic Filing:

Paul Mysliwiec  
Assistant United States Attorney  
201 3<sup>rd</sup> Street NW, # 900  
Albuquerque, NM 87103-0607

*signed*  
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James R. Pratt